



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,743	03/21/2000	Steven Jeromy Carriere	57921/107	7120

7590

10/30/2002

Paul S Hunter  
Foley & Lardner  
Firstar Center  
777 East Wisconsin Avenue  
Milwaukee, WI 53202-5367

EXAMINER

MCCLELLAN, JAMES S

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 10/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/531,743

Applicant(s)

CARRIERE ET AL.

Examiner

James S McClellan

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152). |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3</u> . | 6) <input type="checkbox"/> Other:   |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The Information Disclosure Statement (IDS) entered on July 26, 2000 has been fully considered. A signed copy of the PTO-1449 is attached to this Office Action.
2. The supplemental IDS entered on July 31, 2002 has been fully considered. Since a PTO-1449 was not included for the supplemental IDS, the Examiner has initialed each identified patent application and signed/dated the paper. A copy of the signed paper is attached to this Office Action.

### *Drawings*

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: **1410** and **1420**. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The elements associated with reference numbers 1410 and 1420 are disclosed on page 31, line 18.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description (page 32, line 23): **2010**. A proposed drawing correction or corrected drawings are required in reply to the Office

Art Unit: 3627

action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Reference number 2010 should be added to Figure 20.

*Specification*

5. The disclosure is objected to because of the following informalities:

- on page 14, line 20, “120” should be replaced with --130--;
- on page 19, line 13, “190” should be replaced with --170--;
- on page 24, line 10, “110” should be replaced with --10--;
- on page 32, line 17, “okay” should be replaced with --OK--; and
- on page 35, line 20, “2512” should be replaced with --2520--.

Appropriate correction is required.

6. The use of the trademark **AMAZON.COM** has been noted in this application (page 30, line 19. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

7. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (for example, see page 30, lines 7 and 8). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. It is noted that the example set forth above is not the only hyperlink found in the

Art Unit: 3627

specification. The attempt to incorporate subject matter into the patent application by reference to a hyperlink and/or other forms of browser-executable code is considered to be an improper incorporation by reference. See MPEP § 608.01(p), paragraph I regarding incorporation by reference. Applicant is required to remove all hyperlinks.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4, 7, 9-15, 17-21, and 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,799,063 (Krane).

In regards to independent **claim 1**, Krane discloses a method of funneling user responses in a voice portal system to determine a desired item or service (see column 6, line 40-44), the method comprising: **(a)** establishing an attribute value (stored in index means 100; see column 3, lines 43-52) associated with a particular attribute of a desired item or service; **(b)** determining if the attribute value satisfies an end state, wherein if the end state is not satisfied, performing steps **(a)** and **(b)** with a new particular attribute; [**claim 2**] the step of establishing an attribute value associated with a particular attribute of a desired item or service comprises assigning a user preference to the attribute value (see column 5, line 62-column 6, line 3); [**claim 3**] the step of establishing an attribute value associated with a particular attribute of a desired item or service comprises: establishing an attribute vocabulary set (for example the user verbally enters the

Art Unit: 3627

command “Yahoo” to get to YAHOO’s (TM) services; see column 5, line 49) related to a particular attribute of a desired item or service; querying the user (see column 5, line 39-43) for an attribute associated with the particular attribute, the attribute value being a member of the attribute vocabulary set; identifying the attribute value given by the user; **[claim 4]** the step of establishing an attribute vocabulary set comprises providing a group of possible verbal responses (inherent feature of systems that utilize voice recognition) to a query on an attribute of a desired item or service; and **[claim 7]** the step of identifying the attribute comprises setting a preference for the attribute (a user can set a preference, for example, favorite Talk Web sites; see column 5, line 62-65).

In regards to independent **claim 9**, Krane discloses a system for funneling voice portal user responses to determine a desired item or service, the system comprising: a user interface (VRU and link interface, 3 and 7); a database (server 2, see column 6, lines 28-39) coupled to the user interface (3, 7), the user interface (3, 7) coordinating communications with a user, the database (2) storing information regarding attributes, attribute vocabulary sets, and Internet-based information (stored in index means 100); whereby the user interface (3, 7) established an attribute value associated with a particular attribute of a desired item or service and determines if the attribute value identified satisfies and end state; **[claim 10]** the user interface (3, 7) assigns a user preference to the attribute value (see column 5, line 62-column 6, line 3); **[claim 11]** the user interface (3, 7) established an attribute vocabulary set related to particular attribute of a desired item or service (for example the user verbally enters the command “Yahoo” to get to YAHOO’s (TM) services; see column 5, line 49), queries the user (see column 5, line 39-43) for an attribute value associated with the particular attribute, and identifies the attribute value given

Art Unit: 3627

by the user; **[claim 12]** the database (2) store preferences of the user; **[claim 13]** a customer management subsystem to store user related information (for example, “User Favorite Talk Web Sites”, see column 5, line 62-column 6, line 3); **[claim 14]** the customer management subsystem records user responses to queries from the user interface (see column 5, line 62-column 6, line 3); **[claim 15]** the user interface (3, 7) communicates with a user using voice (“Voice Commands”, see column 5, line 54).

In regards to independent **claim 17**, Krane discloses a voice portal configured to funnel user responses to determine a desired item or service, the voice portal comprising: means (100) for establishing an attribute value associated with a particular attribute or a desired item or service; means for determining if the attribute value satisfies an end state; **[claim 20]** means for setting a user preference (for example, “User Favorite Talk Web Sites”, see column 5, line 62-column 6, line 3); **[claim 21]** means for recording user responses (via VRU). It is noted that **claims 18 and 19** are similar to claims 3 and 2, respectively, which are discussed in detail (see above).

Independent **claim 23** and **claims 24-26** are rejected for reasons set forth above in detail for similar claims 1 and 2-4. It is noted that claim 1 and claim 23 are both product claims. Additionally, it is noted that Krane’s system utilizes a computer program product comprising computer readable program code. Krane’s computer program product is the system shown in Figure 1. In regards to claim 27, Krane discloses a product including a computer readable program code for defining a user preference (for example, “User Favorite Talk Web Sites”, see column 5, line 62-column 6, line 3) based on user responses (“Mark”, see column 5, line 63).

Art Unit: 3627

*Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5, 6, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krane in view of U.S. Patent No. 6,272,455 (Hoshen et al.).

In regards to **claims 5 and 22**, Krane discloses all of the claimed steps as set forth above, but fails to disclose the step of identifying an attribute value given by the user comprises providing fallback queries to query the user further for an attribute value which is in the attribute vocabulary set; [**claim 6**] and the step of providing fallback queries comprises asking the user for at least one substitute attributes for the particular attribute of a desired item or service.

Hoshen et al. teaches the use of system and method of identifying an attribute value given by the user comprises providing fallback queries (see column 4, lines 15-38) to query the user further for an attribute value which is in the attribute vocabulary set; and the step of providing fallback queries comprises asking the user (see column 4, lines 36-38) for at least one substitute attributes for the particular attribute of a desired item or service.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krane with fallback query of Hoshen et al., because the use of a fallback query allows the system to continue when an unknown response is given, wherein improving accuracy and efficiency of the system.



Art Unit: 3627

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krane in view of U.S. Patent No. 6,400,806 (Uppaluru).

In regards to claim 8, Krane discloses all of the claimed steps as set forth above except for the step of identifying the attribute comprises a global preference for the attribute, the global preference being applied in a plurality of domains of interest.

Uppaluru teaches the step of identifying the attribute comprises a global preference for the attribute, the global preference being applied in a plurality of domains of interest. For example, Figure 3 shows Uppaluru's "Personal Voice Web Services Pages". It is noted that element (308), Attributes and Preferences Page, serves as a global preference that is applied to the plurality of domains listed below it.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krane with global preferences taught by Uppaluru, because using global preferences allows the user to customize his/her voice web service to more efficiently meet his or her voice web needs.

13. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krane in view of U.S. Patent No. 6,401,085 (Gershman et al.).

In regards to **claim 16**, Krane discloses all the claimed elements of the system in claim 9, but fails to disclose a user interface that utilizes a wireless application protocol (WAP) platform.

Gershman et al. teaches the use of a user interface that utilizes a wireless application protocol (WAP) platform (column 2, lines 6-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krane with use of WAP as taught by Gershman et al., because the use of

Art Unit: 3627

WAP will allow the user to access voice web services from various locations without and therefore increasing the user's ability to connect to the web.

### *Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Giangarra et al. is cited of interest for disclosing a system and method for navigating a network using a voice command.

Noonen et al. is cited of interest for disclosing a system and method for browsing the Internet using a telephone.

Colbath et al. is cited of interest for disclosing a voice activate Internet web browser.

Herrmann et al. is cited of interest for disclosing a method and apparatus for accessing an Internet web page using a telecommunications device.

Wesemann et al. is cited of interest for disclosing a voice interface for electronic documents.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Art Unit: 3627

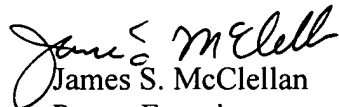
Any response to this action should be mailed to:

Commissioner of Patent and Trademarks  
Washington D.C. 20231

or faxed to:

(703) 305-7687 (Official communications) or  
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, 7<sup>th</sup> floor receptionist.

  
James S. McClellan  
Patent Examiner  
A.U. 3627

jsm  
September 25, 2002